

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1065
OFFERED BY MR. STEARNS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “United States Boxing
3 Commission Act”.

4 SEC. 2. DEFINITIONS.

5 As used in this Act, the following definitions apply:

6 (1) COMMISSION.—The term “Commission”
7 means the United States Boxing Commission estab-
8 lished under section 3.

9 (2) BOXER.—The term “boxer” means an indi-
10 vidual who fights in a professional boxing match.

11 (3) BOXING COMMISSION.—The term “boxing
12 commission” means an entity authorized under
13 State or tribal law to regulate professional boxing
14 matches.

15 (4) INDIAN LANDS.—The term “Indian lands”
16 has the meanings given that terms by paragraphs
17 (4) of section 4 of the Indian Gaming Regulatory
18 Act (25 U.S.C. 2703).



1 (5) MANAGER.—The term “manager” means a
2 person other than a promoter who, under contract,
3 agreement, or other arrangement with a boxer, un-
4 dertakes to control or administer, directly or indi-
5 rectly, a boxing-related matter on behalf of that
6 boxer, including a person who is a booking agent for
7 a boxer.

8 (6) MATCHMAKER.—The term “matchmaker”
9 means a person that proposes, selects, and arranges
10 for boxers to participate in a professional boxing
11 match.

12 (7) PROFESSIONAL BOXING MATCH.—The term
13 “professional boxing match” means a boxing contest
14 held in the United States between individuals for fi-
15 nancial compensation. Such term does not include a
16 boxing contest that is regulated by a duly recognized
17 amateur sports organization, as approved by the
18 Commission.

19 (8) PROMOTER.—The term “promoter”
20 means—

21 (A) the person primarily responsible for or-
22 ganizing, promoting, and producing a profes-
23 sional boxing match; but

24 (B) does not include a hotel, casino, resort,
25 or other commercial establishment hosting or



1 sponsoring a professional boxing match, or a
2 provider of cable, satellite, or network television
3 programming, unless—

4 (i) the hotel, casino, resort, or other
5 commercial establishment, or provider of
6 cable, satellite, or network television pro-
7 gramming is primarily responsible for or-
8 ganizing, promoting, and producing the
9 match; and

10 (ii) there is no other person primarily
11 responsible for organizing, promoting, and
12 producing the match.

13 (9) STATE.—The term “State” means each of
14 the 50 States, Puerto Rico, the District of Columbia,
15 and any territory or possession of the United States,
16 including the Virgin Islands.

17 (10) SANCTIONING ORGANIZATION.—The term
18 “sanctioning organization” means an organization,
19 other than a boxing commission, that sanctions pro-
20 fessional boxing matches, ranks professional boxers,
21 or charges a sanctioning fee for professional boxing
22 matches in the United States—

23 (A) between boxers who are residents of
24 different States; or



1 (B) that are advertised, otherwise pro-
2 moted, or broadcast (including closed circuit
3 television) in interstate commerce.

4 (11) SUSPENSION.—The term “suspension” in-
5 cludes within its meaning the temporary revocation
6 of a boxing license.

7 (12) TRIBAL ORGANIZATION.—The term “tribal
8 organization” has the same meaning as in section
9 4(l) of the Indian Self-Determination and Education
10 Assistance Act (25 U.S.C. 450b(l)).

11 **SEC. 3. ESTABLISHMENT OF UNITED STATES BOXING COM-**
12 **MISSION.**

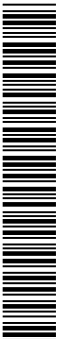
13 (a) IN GENERAL.—The United States Boxing Com-
14 mission is established as a commission within the Depart-
15 ment of Commerce.

16 (b) MEMBERS.—

17 (1) IN GENERAL.—The Commission shall con-
18 sist of 3 members appointed by the President, by
19 and with the advice and consent of the Senate.

20 (2) QUALIFICATIONS.—No member of the Com-
21 mission may, while serving as a member of the
22 Commission—

23 (A) be engaged as a professional boxer,
24 boxing promoter, agent, fight manager, match-
25 maker, referee, judge, or in any other capacity



1 in the conduct of the business of professional
2 boxing;

3 (B) have any pecuniary interest in the
4 earnings of any boxer or the proceeds or out-
5 come of any boxing match; or

6 (C) serve as a member of a boxing commis-
7 sion.

8 (3) BIPARTISAN MEMBERSHIP.—Not more than
9 2 members of the Commission may be members of
10 the same political party.

11 (4) GEOGRAPHIC BALANCE.—Not more than 2
12 members of the Commission may be residents of the
13 same geographic region of the United States when
14 appointed to the Commission. For purposes of the
15 preceding sentence, the area of the United States
16 east of the Mississippi River is a geographic region,
17 and the area of the United States west of the Mis-
18 sissippi River is a geographic region.

19 (5) TERMS.—

20 (A) IN GENERAL.—The term of a member
21 of the Commission shall be 3 years. No member
22 of the Commission shall serve more than 2
23 terms.

24 (B) MIDTERM VACANCIES.—A member of
25 the Commission appointed to fill a vacancy in



1 the Commission occurring before the expiration
2 of the term for which the member's predecessor
3 was appointed shall be appointed for the re-
4 mainder of that unexpired term.

5 (C) CONTINUATION PENDING REPLACE-
6 MENT.—A member of the Commission may
7 serve after the expiration of that member's
8 term until a successor has taken office.

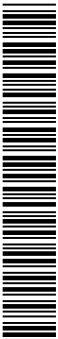
9 (6) REMOVAL.—A member of the Commission
10 may be removed by the President only for cause.

11 (c) EXECUTIVE DIRECTOR.—

12 (1) IN GENERAL.—The Commission shall em-
13 ploy an Executive Director to perform the adminis-
14 trative functions of the Commission under this Act,
15 and such other functions and duties of the Commis-
16 sion as the Commission shall specify.

17 (2) DISCHARGE OF FUNCTIONS.—Subject to the
18 authority, direction, and control of the Commission
19 the Executive Director shall carry out the functions
20 and duties of the Commission under this Act.

21 (d) GENERAL COUNSEL.—The Commission shall em-
22 ploy a General Counsel to provide legal counsel and advice
23 to the Executive Director and the Commission in the per-
24 formance of its functions under this Act, and to carry out



1 such other functions and duties as the Commission shall
2 specify.

3 (e) STAFF.—The Commission shall employ such addi-
4 tional staff as the Commission considers appropriate to
5 assist the Executive Director and the General Counsel in
6 carrying out the functions and duties of the Commission
7 under this Act.

8 (f) MEETINGS.—The Commission shall hold its first
9 meeting no later than 30 days after all members shall have
10 been appointed, and shall meet thereafter not less fre-
11 quently than once every 60 days.

12 (g) COMPENSATION.—

13 (1) MEMBERS OF COMMISSION.—

14 (A) IN GENERAL.—Each member of the
15 Commission shall be compensated at a rate
16 equal to the daily equivalent of the annual rate
17 of basic pay prescribed for level IV of the Exec-
18 utive Schedule under section 5315 of title 5,
19 United States Code, for each day (including
20 travel time) during which such member is en-
21 gaged in the performance of the duties of the
22 Commission.

23 (B) TRAVEL EXPENSES.—The members of
24 the Commission shall be allowed travel ex-
25 penses, including per diem in lieu of subsist-



1 ence, at rates authorized for employees of agen-
2 cies under subchapter I of chapter 57 of title 5,
3 United States Code, while away from their
4 homes or regular places of business in the per-
5 formance of services for the Commission.

6 (2) EXECUTIVE DIRECTOR AND STAFF.—The
7 Commission shall fix the compensation of the Execu-
8 tive Director, the General Counsel, and other per-
9 sonnel of the Commission. The rate of pay for the
10 Executive Director, the General Counsel, and other
11 personnel may not exceed the rate payable for level
12 V of the Executive Schedule under section 5316 of
13 title 5, United States Code.

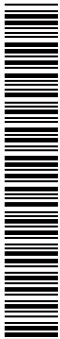
14 **SEC. 4. FUNCTIONS.**

15 (a) PRIMARY FUNCTIONS.—The primary functions of
16 the Commission are—

17 (1) to protect the general interests of boxers
18 consistent with the provisions of this Act; and

19 (2) to ensure uniformity, fairness, and integrity
20 in professional boxing.

21 (b) SPECIFIC FUNCTIONS.—Not later than 180 days
22 after the date on which the Commission shall hold its first
23 meeting, the Commission shall, by rule—



1 (1) promulgate uniform standards for profes-
2 sional boxing in consultation with the Association of
3 Boxing Commissions;

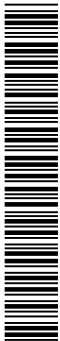
4 (2) except as otherwise determined by the Com-
5 mission, oversee all professional boxing matches in
6 the United States;

7 (3) work with the boxing commissions of the
8 several States and tribal organizations to improve
9 the status and standards of professional boxing in
10 the United States;

11 (4) ensure, in cooperation with the Attorney
12 General (who shall represent the Commission in any
13 judicial proceeding under this Act), the chief law en-
14 forcement officer of the several States, and other ap-
15 propriate officers and agencies of Federal, State,
16 and local government, that Federal and State laws
17 applicable to professional boxing matches in the
18 United States are vigorously, effectively, and fairly
19 enforced;

20 (5) review State boxing commission regulations
21 for professional boxing and provide assistance to
22 such authorities in meeting minimum standards pre-
23 scribed by the Commission under this Act;

24 (6) if the Commission determines appropriate,
25 publish a newspaper, magazine, or other publication



1 and establish and maintain an Internet website con-
2 sistent with the provisions of this Act; and

3 (7) promulgate rules, regulations, and guidance,
4 and take any other action necessary and proper to
5 accomplish the purposes of, and consistent with, the
6 provisions of this Act.

7 (c) PROHIBITIONS.—The Commission may not—

8 (1) promote boxing events or rank professional
9 boxers; or

10 (2) provide technical assistance to, or authorize
11 the use of the name of the Commission by, boxing
12 commissions that do not comply with requirements
13 of the Commission.

14 **SEC. 5. LICENSING AND REGISTRATION OF BOXING PER-**
15 **SONNEL.**

16 (a) LICENSING.—

17 (1) REQUIREMENT FOR LICENSE.—Beginning 1
18 year after the date of enactment of this Act, no per-
19 son may compete in a professional boxing match or
20 serve as a boxing manager, boxing promoter, match-
21 maker, or sanctioning organization for a professional
22 boxing match except as provided in a license granted
23 to that person under this subsection.

24 (2) APPLICATION AND TERM.—



1 (A) IN GENERAL.—The Commission
2 shall—

3 (i) establish application procedures,
4 forms, and fees for licenses granted under
5 this section;

6 (ii) establish and publish appropriate
7 standards for such licenses;

8 (iii) issue a license to any person who,
9 as determined by the Commission, meets
10 the standards established by the Commis-
11 sion under this Act; and

12 (iv) begin issuing such licenses not
13 later than 270 days after the date on
14 which Commission holds its first meeting.

15 (B) DURATION.—A license issued under
16 this section shall be for a renewable—

17 (i) 4-year term for a boxer; and

18 (ii) 2-year term for any other person.

19 (C) PROCEDURE.—The Commission may
20 issue a license under this paragraph through
21 boxing commissions or in a manner determined
22 by the Commission.

23 (b) LICENSING FEES.—

24 (1) AUTHORITY.—The Commission may pre-
25 scribe and charge reasonable fees for the licensing of



1 persons under this Act. The Commission may set,
2 charge, and adjust varying fees on the basis of clas-
3 sifications of persons, functions, and events deter-
4 mined appropriate by the Commission.

5 (2) LIMITATIONS.—In setting and charging fees
6 under paragraph (1), the Commission shall ensure
7 that, to the maximum extent practicable—

8 (A) club boxing is not adversely effected;

9 (B) sanctioning organizations and pro-
10 moters pay comparatively the largest portion of
11 the fees; and

12 (C) boxers pay as small a portion of the
13 fees as is possible.

14 **SEC. 6. NATIONAL REGISTRY OF BOXING PERSONNEL.**

15 The Commission shall establish and maintain (or au-
16 thorize a third party to establish and maintain) a unified
17 national computerized registry for the collection, storage,
18 and retrieval of such information as the Commission shall
19 prescribe by rule related to the performance of its duties.

20 **SEC. 7. CONSULTATION REQUIREMENTS.**

21 The Commission shall consult with the Association of
22 Boxing Commissions—

23 (1) before prescribing any regulation or estab-
24 lishing any standard under the provisions of this
25 Act; and



1 (2) not less than once each year regarding mat-
2 ters relating to professional boxing.

3 **SEC. 8. MISCONDUCT.**

4 (a) SUSPENSION AND REVOCATION OF LICENSE OR
5 REGISTRATION.—

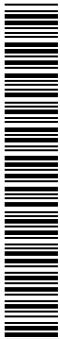
6 (1) AUTHORITY.—The Commission may, after
7 notice and opportunity for a hearing, suspend or re-
8 voke any license issued under this Act if the
9 Commission—

10 (A) finds that the license holder has vio-
11 lated any provision of this Act or a standard
12 prescribed under this Act;

13 (B) reasonably believes that a standard
14 prescribed by the Commission under this Act is
15 not being met, or that bribery, collusion, inten-
16 tional losing, racketeering, extortion, or the use
17 of unlawful threats, coercion, or intimidation
18 have occurred in connection with a license; or

19 (C) finds that the suspension or revocation
20 is in the public interest.

21 (2) PERIOD OF SUSPENSION.—A suspension of
22 a license under this section shall be effective for a
23 period determined appropriate by the Commission.



1 (3) PERIOD OF REVOCATION.—In the case of a
2 revocation of the license of a boxer, the revocation
3 shall be for a period of not less than 1 year.

4 (b) INVESTIGATIONS AND INJUNCTIONS.—

5 (1) AUTHORITY.—The Commission may—

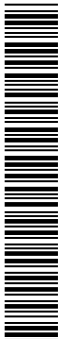
6 (A) conduct any investigation that it con-
7 siders necessary to determine whether any per-
8 son has violated, or is about to violate, any pro-
9 vision of this Act or any regulation prescribed
10 under this Act;

11 (B) require or permit any person to file
12 with it a statement in writing, under oath or
13 otherwise as the Commission shall determine,
14 as to all the facts and circumstances concerning
15 the matter to be investigated;

16 (C) in its discretion, publish information
17 concerning any violations; and

18 (D) investigate any facts, conditions, prac-
19 tices, or matters to aid in the enforcement of
20 the provisions of this Act, in the prescribing of
21 regulations under this Act, or in securing infor-
22 mation to serve as a basis for recommending
23 legislation concerning the matters to which this
24 Act relates.

25 (2) POWERS.—



1 (A) IN GENERAL.—For the purpose of any
2 investigation under paragraph (1) or any other
3 proceeding under this Act—

4 (i) any officer designated by the Com-
5 mission may administer oaths and affirma-
6 tions, subpoena or otherwise compel the at-
7 tendance of witnesses, take evidence, and
8 require the production of any books, pa-
9 pers, correspondence, memoranda, or other
10 records the Commission considers relevant
11 or material to the inquiry; and

12 (ii) the provisions of sections 6002
13 and 6004 of title 18, United States Code,
14 shall apply.

15 (B) WITNESSES AND EVIDENCE.—The at-
16 tendance of witnesses and the production of any
17 documents under subparagraph (A) may be re-
18 quired from any place in the United States, in-
19 cluding Indian land, at any designated place of
20 hearing.

21 (3) ENFORCEMENT OF SUBPOENAS.—

22 (A) CIVIL ACTION.—In case of contumacy
23 by, or refusal to obey a subpoena issued to, any
24 person, the Commission may file an action in
25 any district court of the United States within



1 the jurisdiction of which an investigation or
2 proceeding is carried out, or where that person
3 resides or carries on business, to enforce the at-
4 tendance and testimony of witnesses and the
5 production of books, papers, correspondence,
6 memorandums, and other records. The court
7 may issue an order requiring the person to ap-
8 pear before the Commission to produce records,
9 if so ordered, or to give testimony concerning
10 the matter under investigation or in question.

11 (B) FAILURE TO OBEY.—Any failure to
12 obey an order issued by a court under subpara-
13 graph (A) may be punished as contempt of that
14 court.

15 (C) PROCESS.—All process in any con-
16 tempt case under subparagraph (A) may be
17 served in the judicial district in which the per-
18 son is an inhabitant or in which the person may
19 be found.

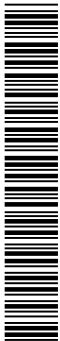
20 (4) EVIDENCE OF CRIMINAL MISCONDUCT.—No
21 person may be excused from attending and testifying
22 or from producing books, papers, contracts, agree-
23 ments, and other records and documents before the
24 Commission, in obedience to the subpoena of the
25 Commission, or in any cause or proceeding instituted



1 by the Commission, on the ground that the testi-
2 mony or evidence, documentary or otherwise, re-
3 quired of that person may tend to incriminate the
4 person or subject the person to a penalty or for-
5 feiture.

6 (5) INJUNCTIVE RELIEF.—If the Commission
7 or the Executive Director determines that any per-
8 son is engaged or about to engage in any act or
9 practice that constitutes a violation of any provision
10 of this Act, or of any regulation prescribed under
11 this Act, the Commission or the Executive Director
12 may bring an action in the appropriate district court
13 of the United States, the United States District
14 Court for the District of Columbia, or the United
15 States courts of any territory or other place subject
16 to the jurisdiction of the United States, to enjoin the
17 act or practice, and upon a proper showing, the
18 court shall grant without bond a permanent or tem-
19 porary injunction or restraining order.

20 (6) MANDAMUS.—Upon application of the Com-
21 mission, the district courts of the United States, the
22 United States District Court for the District of Co-
23 lumbia, and the United States courts of any terri-
24 tory or other place subject to the jurisdiction of the
25 United States, shall have jurisdiction to issue writs



1 of mandamus commanding any person to comply
2 with the provisions of this Act or any order of the
3 Commission.

4 (c) INTERVENTION IN CIVIL ACTIONS.—

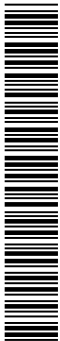
5 (1) IN GENERAL.—The Commission, on behalf
6 of the public interest, may intervene of right as pro-
7 vided under rule 24(a) of the Federal Rules of Civil
8 Procedure in any civil action relating to professional
9 boxing filed in a district court of the United States.

10 (2) AMICUS FILING.—The Commission may file
11 a brief in any action filed in a court of the United
12 States on behalf of the public interest in any case
13 relating to professional boxing.

14 (d) HEARINGS BY COMMISSION.—Hearings con-
15 ducted by the Commission under this Act shall be public
16 and may be held before any officer of the Commission.
17 The Commission shall keep appropriate records of the
18 hearings.

19 **SEC. 9. NONINTERFERENCE WITH BOXING COMMISSIONS.**

20 (a) NONINTERFERENCE.—Nothing in this Act pro-
21 hibits any boxing commission from exercising any of its
22 powers, duties, or functions with respect to the regulation
23 or supervision of professional boxing or professional box-
24 ing matches to the extent not inconsistent with the provi-
25 sions of this Act.



1 (b) MINIMUM STANDARDS.—Nothing in this Act pro-
2 hibits any boxing commission from enforcing local stand-
3 ards or requirements that exceed the minimum standards
4 or requirements promulgated by the Commission under
5 this Act.

6 **SEC. 10. ASSISTANCE FROM OTHER AGENCIES.**

7 Any employee of any executive department, agency,
8 bureau, board, commission, office, independent establish-
9 ment, or instrumentality may be detailed to the Commis-
10 sion, upon the request of the Commission, on a reimburs-
11 able or nonreimbursable basis, with the consent of the ap-
12 propriate authority having jurisdiction over the employee.
13 While so detailed, an employee shall continue to receive
14 the compensation provided pursuant to law for the employ-
15 ee's regular position of employment and shall retain, with-
16 out interruption, the rights and privileges of that employ-
17 ment.

18 **SEC. 11. STUDIES.**

19 (a) HEALTH AND SAFETY STUDY.—

20 (1) STUDY.—The Commission shall conduct a
21 study on the health and safety aspects of boxing, in-
22 cluding an examination of—

23 (A) the risks or serious injury and the na-
24 ture of potential injuries, including risks par-
25 ticular to boxers of each sex;



1 (B) the long term effect of boxing on the
2 health of boxers;

3 (C) the availability of health insurance for
4 boxers;

5 (D) the extent to which differences in
6 equipment effect the risks of potential injury;
7 and

8 (E) the effectiveness of safety standards
9 and regulations.

10 (2) REPORT.—Not later than 1 year after the
11 date of enactment of this Act, the Commission shall
12 submit a report on the study required by this section
13 to the Committee on Commerce, Science, and Trans-
14 portation of the Senate and the Committee on En-
15 ergy and Commerce of the House of Representa-
16 tives, including recommendations to improve the
17 health and safety aspects of boxing.

18 (b) STUDY ON THE DEFINITION OF PROMOTER.—

19 (1) STUDY.—The United States Boxing Com-
20 mission shall conduct a study on how the term “pro-
21 moter” should be defined for purposes of the United
22 States Boxing Commission Act.

23 (2) HEARINGS.—As part of that study, the
24 Commission shall hold hearings and solicit testimony
25 at those hearings from boxers, managers, promoters,



1 premium, cable, and satellite program service pro-
2 viders, hotels, casinos, resorts, and other commercial
3 establishments that host or sponsor professional box-
4 ing matches, and other interested parties with re-
5 spect to the definition of that term as it is used in
6 the United States Boxing Commission Act.

7 (3) REPORT.—Not later than 1 year after the
8 date of the enactment of this Act, the Commission
9 shall submit to the Committee on Commerce,
10 Science, and Transportation of the Senate and the
11 Committee on Energy and Commerce of the House
12 of Representatives a report on the study conducted
13 under subsection (a). The report shall—

14 (A) set forth a proposed definition of the
15 term “promoter” for purposes of the United
16 States Boxing Commission Act; and

17 (B) describe the findings, conclusions, and
18 rationale of the Commission for the proposed
19 definition, together with any recommendations
20 of the Commission, based on the study.

21 **SEC. 12. REPORTS.**

22 (a) ANNUAL REPORT.—Not later than 2 years after
23 the date of enactment of this Act, and each year there-
24 after, the Commission shall submit a report on its activi-
25 ties to the Committee on Commerce, Science, and Trans-



1 portation of the Senate and the Committee on Energy and
2 Commerce of the House of Representatives. The annual
3 report shall include—

4 (1) a detailed discussion of the activities of the
5 Commission for the year covered by the report; and

6 (2) an overview of the licensing and enforce-
7 ment activities of the State and tribal organization
8 boxing commissions.

9 (b) PUBLIC REPORT.—The Commission shall annu-
10 ally issue and publicize a report of the Commission on the
11 progress made at Federal and State levels and on Indian
12 lands in the reform of professional boxing, which shall in-
13 clude comments on issues of continuing concern to the
14 Commission.

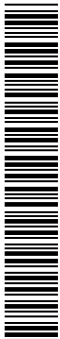
15 **SEC. 13. SUNSET PROVISION.**

16 This Act shall cease to have effect 12 years after the
17 date of enactment of this Act.

18 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-
20 priated for the Commission for each fiscal year such sums
21 as may be necessary for the Commission to perform its
22 functions for that fiscal year.

23 (b) RECEIPTS CREDITED AS OFFSETTING COLLEC-
24 TIONS.—Notwithstanding section 3302 of title 31, United
25 States Code, any fee collected under this Act—



1 (1) shall be credited as offsetting collections to
2 the account that finances the activities and services
3 for which the fee is imposed;

4 (2) shall be available for expenditure only to
5 pay the costs of activities and services for which the
6 fee is imposed; and

7 (3) shall remain available until expended.

